

Appl. No. 10/730,673
Examiner: BLUOIN, MARK S, Art Unit 2653
In response to the Office Action dated September 29, 2005

Date: September 29, 2005
Attorney Docket No. 10113431

REMARKS

Applicant thanks the Examiner for acknowledging Applicant's claim to foreign priority and receipt of the certified copy of the priority document. Responsive to the Office Action mailed on September 29, 2005 in the above-referenced application, Applicant respectfully requests amendment of the above-identified application in the manner identified above and that the patent be granted in view of the arguments presented. No new matter has been added by this amendment.

Present Status of Application

Claims 1, 2, 5, 7, 9-11, 14, 16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Clurman (US 4,477,984). Claims 3, 4, 6, 8, 12, 13, 15 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In this paper, claims 1 and 10 are amended to more clearly recite novel and nonobvious features of the present invention. Support for the amendment can be found at least on page 2, lines 8-18 of the specification, which describe electromagnetic induction and the interaction between a magnetic member (i.e., a member in which a magnetic field can be induced) and a magnet. Namely, as described in the specification, no apparent activity is detected when the member and the magnet are static, but a repellent force is generated when the member and the magnet move or rotate relative to one another. The repellent force is due to Faraday's Law, Lenz's Law, and the induced magnetism of the member. Claims 7, 8, 12, 14, 16, and 17 are amended to correspond with amended claims 1 and 10. New claims 19-22 are added. Support for the new claims can be found at least in the original claims and on page 2, lines 8-18 of the specification.

Reconsideration of this application is respectfully requested in light of the amendments and the remarks contained below.

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Allowable Subject Matter

Applicant thanks the Examiner for his indication of allowable subject matter in claims 3, 4, 6, 8, 12, 13, 15 and 17.

Rejections Under 35 U.S.C. 102(b)

Claims 1, 2, 5, 7, 9-11, 14, 16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Clurman. To the extent that the grounds of the rejections may be applied to the claims now pending in this application, they are respectfully traversed.

To anticipate a claim, a reference must teach every element of the claim. In this regard, the Federal Circuit has held:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

"The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The fixing of an optical disk by the optical disk clamping device of claims 1 and 10 is achieved by the generation of a repellent magnetic force between a magnetic member and a magnet by rotation of one relative to the other. Thus, as recited in the claims, the repellent magnetic force exists when one of the magnetic member or magnet is rotated relative to the other, and ceases when the rotation stops.

In contrast, Clurman teaches two permanent magnets 26 and 36, between which a repulsive force is always present. See col. 4, lines 15-18 of Clurman. More specifically, the repulsive force between magnets 26 and 36 is not **generated by rotation** of one relative to the other, nor does the repulsive force cease when rotation stops, as recited in claims 1 and 10.

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Furthermore, in connection with the rejection of claims 2 and 11, Applicant notes that the cap 16, which the Examiner relies upon to teach the positioning portion of the claims, is disposed on the disc record 4. To the contrary, the positioning portion recited in the claims is disposed on the turntable.

For at least the reasons described above, it is Applicant's belief that Clurman fails to teach or suggest all the limitations of claims 1 and 10. Applicant therefore respectfully requests that the rejections of claims 1 and 10 be withdrawn and the claims passed to issue. Insofar as claims 2-9 and 10-22 depend from either claim 1 or claim 10, and therefore incorporate all of the limitations of claim 1 or claim 10, it is Applicant's belief that these claims are also in condition for allowance.

New Claims 19-22

As noted above, it is Applicant's belief that claims 19-22 are allowable at least by virtue of their dependency from either claim 1 or claim 10. Furthermore, Applicant submits that Clurman fails to teach or suggest that the magnetic member comprises a material in which a repelling magnetic field is induced when one of the magnet and the magnetic member is rotated relative to the other, as recited in claims 19 and 21.

Conclusion

The Applicant believes that the application is now in condition for allowance and respectfully requests so.

Respectfully submitted,



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